

# OXFORD OBSERVER.

"LOVE ALL, DO WRONG TO NONE, BE CHECK'D FOR SILENCE BUT NEVER TALK FOR SPEECH.".....SHAKESPEARE.

VOLUME II.]

PARIS, (ME.) THURSDAY MORNING, FEBRUARY 23, 1826.

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## Opinions

Of the Justices of the Supreme Judicial Court of the State of Maine, on Questions propounded to them by the House of Representatives, Jan'y, 1826.

### Justice Weston's Opinion.

To the Speaker of the House of Representatives of the Legislature of Maine:

The undersigned, a Justice of the Supreme Judicial Court, having considered the questions submitted by an order of the House of Representatives, passed January 11th, 1826, which have been communicated to him through the Chief Justice, with a desire on his part that the undersigned would transmit his opinion, with his reasons, requests you to make known the following as his answer:

It may fairly be presumed that the framers of the Constitution of Maine, and the people in adopting it, although having before them the Constitutions of the United States and of other States, which were then members of the federal compact, had more especially in their contemplation that of Massachusetts; with the practical operation and effect of which they were familiar. By the frame of government adopted by that Commonwealth, it is provided that every corporate town, containing a specified number of rateable polls, may elect one representative; with the privilege of increasing the number, in a certain ratio prescribed, depending upon the number of rateable polls. In 1811, the Justices of the Supreme Judicial Court of Massachusetts, in their answer to certain questions propounded by the House of Representatives, state that, "because the right of sending a representative is corporate, if the town, by a legal corporate act, vote not to send a representative, none can legally be chosen by a minority, dissenting from that vote." As this was a subject upon which their opinion had not been requested, this intimation had not the weight which belongs to a deliberate judgment upon the point in question; although, considering the high character of those by whom it was made, it was justly entitled to respectful consideration.

In June, 1815, the House of Representatives submitted the question directly to the same Court, "whether a town, having by the Constitution a right to send a representative or representatives to the General Court, can constitutionally and legally vote not to send a representative, and whether such vote would be binding on a minority of voters, dissenting therefrom, in such town." The Court, all the Justices concurring, gave their opinion "that when a town is legally assembled for the purpose of electing a representative, if a vote pass not to send one, the minority dissenting from that vote cannot legally proceed in the choice." They added that, but for the provision which authorizes the House to impose fines upon such towns as neglect to choose; to send a representative, would seem to be a right or privilege, which a town might waive at pleasure, rather than a corporate duty. Their reasoning is to be found at length, at the close of the 15th volume of the Massachusetts Reports. In both Constitutions the language is optional, not imperative; and the power to impose a fine upon negligent towns is not given by the Constitution in the House of Representatives of Maine. This construction of the Constitution of Massachusetts, was well known to the framers of our Constitution and to the people; having been originally communicated to their representatives, published in the newspapers of the day, and also in the Massachusetts Reports, which, besides being in the hands of legal gentlemen, were by law distributed to every town in the Commonwealth. If therefore, those who were deputed to the high office of preparing and presenting a Constitution to the people of Maine, had deemed it expedient to impose an obligation upon the towns to choose representatives, which was not to be evaded, as well as to grant to them the privilege of doing so, it was easy for them to have used language indicative of such intention, which could not have been misunderstood. But when, with a full knowledge of the construction which had obtained in Massachusetts, they use language of the same import, the undersigned is constrained to infer that they intended that, in this particular our Constitution should receive the same construction. Nor does it appear to the undersigned that the variation in the rule, by which our representatives are apportioned, can fairly tend to justify a different conclusion.

But although a town or plantation may thus possess the power to waive their own privileges, it has no legal or constitutional control over those of others; and in order to bring a class or district, composed of several towns or plantations, within the rule adopted in Massachusetts, it would seem that all should concur in their corporate capacity, in the vote not to send a representative. Whenever one town or plantation, belonging to such district, deem it expedient to exercise their privilege, the undersigned is not aware that there is derived from the Constitution, any power or authority in the other towns or plantations in the district to deprive them of it. Their own rights are not thereby impaired; nor have they any just ground of complaint.

In answer to the first question, the undersigned, for the reasons before stated, would respectfully submit it as his opinion, that a town, having a right to choose a representative, has the power to waive that right, and to vote not to choose a representative, and that such vote does bind the minority in such town.

And to the second; that where towns and plantations are classed into districts, for the purpose of choosing a representative, any one or more of such towns or plantations have a right to send a representative, although a majority of the towns or plantations have voted not to send one.

NATHAN WESTON, Jun.

### Justice Preble's Opinion.

To the Speaker of the Honourable House of Representatives of the State of Maine:

In compliance with the request, which the House did me the honour to express in their order, passed on the 27th inst. the undersigned now respectfully submits to them the opinions, he has been led to form, on the questions, proposed to the Justices of the Supreme Judicial Court by another order of the House, passed on the 11th inst. with the principal reasons, on which his opinions have been predicated.

The answer to the questions, proposed by the House, depends upon that to another question, whether the right to be represented in the House belongs to the town in its corporate capacity of a town, or whether it belongs, as a personal right, to the individual electors, residing within the boundaries of such town: in other words, whether it be the corporation, that is represented, or the citizens, who reside within its territorial limits. This is a distinction, which,

though it may at first appear to be nice, is not only palatable, but important. A corporation is a mere creature of the law; and there is no such thing, as a corporate right of representation independent, of positive institution. The right of the citizen on the contrary to act by himself or his representative is one of the first and fundamental principles of a free government. It is undoubtedly competent to the citizens to surrender this right, and to vest it in corporations, of which they may or may not be members. But such a surrender is inconsistent with the spirit of a free government. It is not therefore to be inferred from expressions of doubtful import, and, unless it plainly appears from the language of the constitutional charter, that it has been done, the surrender has not been made.

The idea of a corporate representation was derived in this country from the Constitution of the British Parliament; and our ancestors nearly fifty years ago, when the nature of free and representative governments had not been so much the subject of discussion and inquiry, and was not perhaps so fully understood, engrafted it, as it has been held, into the Constitution of Massachusetts. When the people of Maine abrogated that Constitution, in so far as regards this State, the corporate right of representation ceased to exist, unless it was revived by the Constitution of Maine. Prior to the Separation of Maine a construction had been given to the Constitution of Massachusetts in relation to the right of representation by the Justices of the Supreme Judicial Court of that State. It was a construction, operating as a partial check to a growing evil, the increasing number of representatives. But the construction, thus given, was not readily acquiesced in. The Justices expressed their opinion to the House in 1811, and in 1815 we find the House solemnly calling upon the Judges for their opinion upon the same clause. As however a construction had been thus given, if the language of the Constitution of Maine is the same on the same subject matter, as the language of the Constitution of Massachusetts, it must be presumed to have been used with a view to that construction. But if the language used be essentially variant, then the construction, given to the language of the Constitution of Massachusetts, is no guide; on the contrary the difference of expression implies an intention to avoid that construction, and to convey a different meaning.

The language of the Constitution of Massachusetts on this subject is uniform and consistent. "EVERY CORPORATE TOWN may send," "each town now incorporated may send one," "no place shall hereafter be incorporated with the privilege of electing one," &c. "Incorporation was thus made an essential prerequisite to representation." Still treating the matter as a town right and duty, the House of Representatives itself was vested with authority to impose fines on towns, neglecting to send one or more representatives. Contemplating also the probability, that towns would to a very great extent neglect to exercise their right, though the House might consist, and actually, of more than six hundred members, sixty only made a quorum for doing business. Moreover, with the single exception that members should be chosen by written votes, no provision whatever is made in relation to the manner, in which the town meetings shall be conducted, who shall preside, or what proceedings shall be had. Excepting also in the solitary case of vacancy occasioned by appointment to office, no provision was made for a vacancy to be filled. Their representation therefore was a representation, properly speaking, not of the electors, as such—not of the people directly, but of corporate towns acting in their corporate capacity—not even of all corporate towns, but of such only, as had the requisite number of rateable polls. As a part of the same system also their representation in the Senate was predicated not on the electors or people, but simply on taxation.

If now we advert to the Constitution of Maine, we find the whole principle changed. The representation in the Senate and in the House is not a representation of taxation and corporate towns, but of electors—the people themselves. The House of Representatives "shall consist" of a fixed number, to be determined within certain limits by the Legislature, "to be elected," not by the corporate towns acting in their corporate capacity, but in the same manner, and at the same time, and by the same persons as the Governor and Senators, "by the qualified electors." Nothing less than "a majority" of the whole number, as fixed and determined by the legislature, "shall constitute a quorum." If a vacancy happen "by death, resignation, or otherwise," provision is made that "it may be filled by a new election." The principle of incorporation, as a prerequisite to the right of representation, is no where recognized. On the contrary the words "corporate" and "incorporated," which so often occur in the Constitution of Massachusetts, are studiously omitted. The number of representatives is to be "fixed and apportioned among the several counties as near, as may be, according to the number of inhabitants." But, as the number of representatives, fixed and assigned to any county, would be large, and as it was desirable, that a member should be elected from every considerable section of the county, so that the House might be enabled to derive from its own members all necessary local knowledge; and in order that the people in every such section might act with greater intelligence in the choice of their representative, and elect a person from among themselves, with whom they were personally acquainted, the counties were subdivided into districts, each town, having the requisite population, to constitute of itself a representative district, and towns and plantations, not having the requisite population, to be classed into districts containing the requisite population. And here the undersigned would beg leave to quote the language of the "Address," published by order of the Convention, that framed the Constitution. "Thus the great sections of the State, the several counties, 'actuated to a certain extent by a community of interests, have their due weight according to their population.' On any practicable system there will be fractions, and the representation of course partially unequal. If under the system, adopted by the Convention, the large towns having their full representation, it is preserved in the county, of which they are a part. They have their representatives; and even their fractions, which would otherwise be lost to them, are represented through the smaller towns of their county, who can seldom have an interest at variance with their own." In accordance with the same views is the language of the Resolves of March 22, 1821, apportioning the representatives in the several counties, towns, and plantations, and classes. "Resolved, That the county of York shall choose twenty-three Representatives, apportioned in the following manner: 'County of Cumberland shall choose twenty-five Representatives,' &c. Hence it is manifest, that, if the majority of electors present at a constitutional meeting, held for the election of Governor, Senators, and Representatives, can by a mere

vote not to proceed in the election deprive the individual electors of their personal constitutional right to give in their votes for Governor, Senators, and Representatives, such majority thereby not only waive their own right to vote, but deprive the minority from exercising their individual electoral privileges; and in regard to the election of representatives, they also, at the same time waive the rights of the electors in other towns and districts, and deprive the county of a portion of its representation. In all our reasonings upon this subject, we should never lose sight of the consideration, that the voter sustains two relations, that of an inhabitant of the town, &c. and that of an elector under the Constitution. Because these two relations are sustained by the elector, he sometimes mistakes the capacity in which he is acting; and sometimes attempts to bring the power, he possesses as an inhabitant, to control or neutralize the power of his neighbour, possessed by that neighbour in his electoral capacity. But these two classes of powers are essentially distinct; and never can be brought to bear the one against the other. Hence it is, that in constitutional meeting a majority of the electors cannot vote 'not to vote for Governor,'—'not to vote for Senators,'—'not to vote for a Representative,' so as to deprive the minority from casting their votes for either of those officers. This position will be readily granted, it is presumed, so far as relates to the choice of Governor and Senators, but it is denied, as it relates to representatives. If there be a distinction, the undersigned has not been able to discern it, nor can he perceive any adequate reason why such a distinction should have been introduced. Every individual elector has a deep interest in being represented in the House of Representatives, to whom is confided the purveying of the people, and in whom is vested so large a portion of the state sovereignty, in the faithful, and judicious, and wise exercise of which, every individual of the community is concerned. That provision therefore of the Constitution, as already intimated, must be plain, which authorizes one or more electors by combining, not only to waive their own right, but to preclude others, contrary to their wishes, from the exercise of theirs. It is not in the power of the whole legislature, though representing the sovereignty of the State, to take away the electoral right, or to prevent its exercise, or even to modify it. These principles may be admitted, but application to the question under consideration denied; because, as it has been said, the electors in voting for representatives act in their capacity of inhabitants of towns or plantations. But that is assuming the very question at issue. If the right of representation is the corporate right of towns and plantations, for plantations too, it has been said, have their corporate right of representation, why is not the right of the several counties to their representation in the Senate the corporate right of the counties? The counties are but larger corporations," say, like representative districts, they are districts, composed of towns and plantations. Why then may not each town and plantation in the Senatorial district vote in their corporate capacity not to choose Senators, and thereby prevent and preclude the minority in such towns and plantations from casting their votes for Senators? The electors are assembled in town and plantation meetings, the same officers preside, and counting the votes, the same declaration is made in open meeting, and the same record of the proceedings is made in the town and plantation books. Does the distinction, said to exist, arise from the circumstance, that in a town possessing the requisite population to entitle the qualified electors within its limits to elect a representative, all the electors attend at the same place, in the same town meeting, and have their proceedings independent of the proceedings in other towns? This cannot be the ground of the supposed distinction, because it does not apply to the case of classed towns and plantations; nor, if it did apply, would it have any bearing upon the questions, proposed by the House. It had long been an established law and usage in this State, for the people in their primary assemblies to meet, and act, and vote, in town and plantation meeting; and towns and plantations had their municipal officers, whose duty it was to preside in and regulate those meetings. The Convention therefore, which framed the Constitution, wisely availed themselves of this long accustomed and familiar mode of proceeding in our primary assemblies, and this organization of our towns and plantations, not for the purpose of vesting in towns and plantations in their corporate capacity the right of representation, but for the purpose of collecting in a manner, the most convenient, expeditious, and unexceptionable, the votes of the qualified electors for Governor, and for Senators, and for Representatives. It was for the same obvious reasons, that towns, possessing the requisite population, were made representative districts by themselves without being associated in the election with other towns. With the same views and policy, we find, they have inserted a provision, that in making a representative district, no town shall be divided. That towns, having the requisite population to entitle the qualified electors to choose one or more representatives, are regarded as representative districts with the same privileges and the same powers, as other representative districts, possessing, as districts, no other or greater privileges and powers, would seem to be a position, which we might take for granted; for otherwise, there is a grant of special privileges to one town in its corporate capacity as a town, which are denied to all other towns, classed into representative districts, and the qualified electors in some towns are laid under special disabilities, which are not imposed on the electors in other towns. Further, if the language of the Constitution must be construed to vest the right of representation in unclassified towns in their corporate capacity; as the same, identically the same language, is used in regard to districts, "each town may elect," "each district may elect," representative districts would seem also to become for this purpose corporations, clothed with the corporate right of representation. The analogy, existing between senatorial districts and representative districts, has already been noticed. That analogy holds in a still more important particular. In both cases the choice is determined by a majority of all the votes thrown without the least regard to the circumstance, whether they were thrown in this town, or plantation, or that it is manifest therefore, that the electors vote in their individual electoral capacities, and not in the capacity of corporations, or inhabitants of towns and plantations. When voting in their capacity of inhabitants or corporations, the vote of the majority is the vote of the town or corporation; and no inquiry whether the majority was great or small is instituted, because, whether great or small, its legal effect and efficacy is the same. If then the towns and plantations, constituting a representative district, were to vote each in their respective corporate capacities, he only would be elected, who should obtain a majority of votes in

a majority of those towns and plantations; for then, and then only, would he have a majority of the corporate votes. The moment we depart substantially from this mode, and ascertain the result of the election in the manner, prescribed by the Constitution, as already mentioned, we, as a necessary and inevitable consequence, totally depart from the doctrine, that in a representative district the right of representation is vested 'in common in the several towns and plantations in that district in their corporate capacity.' In a representative district therefore, if the right of representation be a corporate right, it is vested in the district itself, as a corporation, and not in the several towns and plantations, of which that district is composed. That the right of representation in the Senate is not vested in a senatorial district in its corporate capacity, and that the right of representation in the House is not vested in a representative district in its corporate capacity, where that district is composed of several towns and plantations, are positions, which the undersigned presumes, he may take for granted; and on these points he forbears attempting any further elucidation.

No inference, it is believed, can be drawn in favour of the position, that the right of representation is a corporate right, vested in towns, from those provisions of the Constitution, which require the votes to be given by the qualified electors in town meeting, that "the Selectmen shall preside," and that the votes shall be recorded by the "town Clerk," and "in the town books;" for the same argument would prove, that the electors acted in their capacity of Inhabitants or Corporators, when voting for Governor and Senators. Nor can any such inference be drawn from the use of the word "town" in such expressions, as "each town may elect," for this is only an abbreviated mode of expression in common and familiar use, meaning the qualified electors in the town may elect; as it is said the town gave so many votes for Governor, the county chose its Senators, the district a Representative, and the parallel expression, "each district may elect." And, as has already been suggested, if that expression proves that an unclassified town in choosing a representative acts in its corporate capacity, the same expression would prove, that a representative district in choosing a representative acts also in its corporate capacity; whereas, so far from acting in that capacity, it is not even a corporation.

It may perhaps be said, that the Constitution by the word "may" in the expression "each town may elect" leaves the town at liberty to elect or not to elect, as it may please; and hence, it is inferred, the town in determining the question, whether to elect, or not to elect, must act in its corporate capacity; and, if it proceed to elect, it does so in its corporate capacity, and the right of representation is a corporate right. That a town has, and a representative district has, in a constitutional sense, and in a constitutional manner, a right to determine whether they will elect or not elect is admitted; but the inferences, that are thus attempted to be drawn are denied. If "to elect or not to elect," is at the option of the town, in its corporate capacity, it is a constitutional privilege, and no penalty can ever be imposed, or fine exacted for declining or refusing to elect. It has already been stated, that, as by the Constitution of Massachusetts it was the "corporate town," which had the option to elect or not to elect, and by which also the election of a member was to be made, so by an express provision of the same Constitution the House was vested with power to impose fines upon any delinquent town for neglecting to choose and return a member. The studied omission of the epithet "corporate" in our Constitution shows, that the word town is used in its popular, and not in its corporate acceptance. This latter acceptance of the word, it is believed, is not the most usual one even among ourselves, and at the same time is almost peculiar to the northern States. If it were important, that the power to impose a fine on a delinquent town should be possessed in Massachusetts, how incomparably more important is it, that it should be possessed in Maine where the whole number is fixed or limited, and comparatively small, and where also a majority of the whole is necessary to constitute a quorum. The total omission of the clause giving the power to fine, can only be accounted for on the position already assumed, that the word "town" is used, not in its corporate, but in its popular acceptance; for, the word being used in this latter sense, the town in its corporate capacity has nothing to do with the election, and therefore cannot be guilty of any neglect of duty in relation to the subject. And this leads us to the true meaning and force of the word "may," as used in the clauses, "each town may elect, &c." "each district may elect, &c." In some of the ancient republics, it is said, every citizen, entitled to vote, was obliged to vote in questions, which came before the people; but under our free governments to compel an elector to vote against his will would be an anomaly in legislation. The "qualified electors" therefore may, by common consent or by accident absent themselves from the polls, or the electors present may cast their votes, and no one of the candidates, voted for, receive a majority of all the votes thrown. In either case no election is made. But these, and these only, are the modes, in which the qualified electors in unclassified towns, and in representative districts, can in a constitutional manner decline or refuse to elect. So also in regard to the election of Governor and Senators the same principles apply, saving only in the case of candidates not receiving a majority of the votes thrown, further provision is made. The words "may elect" therefore merely indicate the rights and privileges of individual electors in their electoral capacity, and have no reference to any supposed corporate right of representation. If the word "shall" had been substituted by the Convention for "may" in these expressions, it would have better answered the purposes of an argument in support of this supposed corporate right; for then it might have been urged, that it was not only a corporate right, but a corporate duty to elect; and that it was competent for the Legislature to enforce the performance of that duty by fines and penalties, fixed and established by law; but, as the clause now stands in the Constitution, no fine, as has already been suggested, can be imposed. The phrase "may elect" therefore militates against the doctrine of corporate representation, rather than countenance it. Considering the modes and manner, in which it must occur, if it occur at all, the Constitution of Maine does not contemplate the case of a town or district declining to elect; least of all does it contemplate such a proceeding, that the qualified electors shall not elect. Such a proceeding is contrary to some of its express provisions, and at variance, it is believed, with the spirit of it, which have any bearing on the subject. Of these, I do only will be noticed by the undersigned on this occasion, as deserving of more particular consideration. It is ordained, "that the Selectmen," the presiding officers "shall receive the votes of all



to qualify electors, and to vote, count and declare the result of the election, &c. If then at a meeting of the choice of representatives, warned in due course of law, a qualified elector does present himself, and demand to be allowed to put in his vote, where the provision that will authorize the Selectmen to refuse his vote. Where is the provision, which authorizes the majority of electors present to say, that the minority shall not have the privilege of putting in their votes. Those provisions of the Constitution are identical in the same, by which the Selectmen are required to receive the votes for Representatives, and for Senators, and for Governor. They are peremptory. On what principles of construction are the Selectmen authorized to refuse the vote tendered, if it be for a Representative, but are bound to receive it, if it be for Senators, or for Governor. As the Constitution places them all upon precisely the same footing, making no distinction whatever, the undersigned is a law.

Again, it is provided by the Constitution, article 4, part second, section 3d, that "qualified electors, living in places unincorporated, who shall be assessed to the support of Government by the assessors of an adjacent town, shall have the privilege of voting for Senators, Representatives, and Governor, in such town." Here then is a class of electors, residing within the limits of no town, or organized plantation, who have the right to vote for Representatives in the adjacent town, can these electors be deprived of their electoral privileges by the town in its corporate capacity voting not to elect? They do not belong to the town in its corporate capacity, and therefore cannot be parties to such a vote of the town. And yet, if the doctrine of the corporate right of representation be sound, such a vote by the town would deprive such electors of their constitutional privilege. This provision of our Constitution is copied with some slight necessary alterations from the Constitution of Massachusetts. There however, the right to vote does not extend to the voting for Representatives; but is confined to the voting for Senators. The enlargement of this right to the voting for Representatives, while it is in perfect consistency and harmony with the other provisions of our Constitution, is inconsistent with every principle of corporate representation. The undersigned has not exhausted the subject, but he forbears to enlarge farther. The Constitution of Maine has few, and but few, anomalies to disfigure its features, and mar its proportions.—It is believed not to be the part of wisdom, to add to the number by construction.

The undersigned is therefore of the opinion that a town, having the right to choose a Representative, has not the power to waive that right, and vote not to choose a Representative, and such vote would not bind the minority in such town. And finally, Towns and plantations, classed into districts for the purpose of choosing a Representative, have a right to send a Representative, notwithstanding a majority of the towns and plantations have voted not to send one.

WILLIAM PITT PREBLE.  
JANUARY 31, 1825.

## MAINE LEGISLATURE.

### IN THE SENATE.

FRIDAY, Feb. 10.  
Passed to be enacted.—Bills dividing the town of Baldwinsville and incorporating the town of Sebago; a bill to amend to act to regulate the taking of Salmon, Shad and Mullet in the town of Machias, passed February 7th, one thousand eight hundred and ten; to incorporate the town of Howland, and to authorize the Selectmen of Gardiner to appoint an additional number of engineers.

Leave to bring in a bill was reported on the petition of James Holmes and others.  
Passed to be enacted.—Bill to incorporate the Livermore Bank, after discussion about an amendment proposed by Mr. Williams, providing that a certain number of the petitioners should become stockholders in said Bank to the amount of at least \$500. The amendment was finally lost, and it passed to be enacted, as reported.

On motion of Mr. H. Bond, it was  
Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the act to amend to act for the limitation of actions real and personal, and writs of error, passed Feb. 23, 1823, with leave to report by bill or otherwise.

On motion of Mr. St. John, it was  
Ordered, That the Committee on Literature and Literary Institutions be instructed to inquire into the expediency of providing that the Governor of the State shall ex-officio be a member of the Board of Trustees of Bowdoin College.

Order of the House of Representatives, that the Joint Standing Committee on Literature and Literary Institutions be instructed to inquire what measures are necessary to be adopted by the Legislature to secure the establishment of a National Astronomical Observatory at Brunswick, passed in concurrence.

Passed to be enacted.—Resolves for the benefit of Brunswick town.

Passed to be enacted.—Bill respecting Lotteries and Lottery Tickets; additional respecting the limitation of actions real and personal, and writs of error, passed Feb. 23, 1823, with leave to report by bill or otherwise.

MONDAY, Feb. 13.  
Petition of Benjamin Chandler, Judge of Probate for the County of Oxford, for an increase of salary, was read and referred.

York County Question.—The report of the Joint Select Committee on the petition of Nelson Smith and others, relative to the removal of York County Courts, grant an order of notice, acceptance of which was refused in the Senate and ordered that the Petitioners have leave to bring in a Bill, came up from the House non-concurred in granting leave for a Bill and accepted, and the Senate adhered to their former vote whereby they had refused to accept the report and had given leave for a Bill.

TUESDAY, Feb. 14.  
Agreeably to assignment the Senate proceeded to ballot for the choice of a Major General on their part, of the 4th Division of the Militia of this State.—The whole number of votes were 17, and Colonel Samuel Veazie had 9, and there was one blank ballot, and Colonel Samuel Veazie was declared duly elected on the part of the Senate.

A message was received from the House that on the 4th inst. they had again made choice of Richard C. Smith as Major General of the 1st Division.

Order of the House of Representatives, that the Committee on the Judiciary be instructed to inquire into the expediency of passing an act exempting from attachment, execution or distress all papers in the several meeting-houses within this State, with leave to report by bill or otherwise.—And

That the Joint Standing Committee on Literature and Literary Institutions be instructed to inquire into the expediency of adopting measures to procure such books and other publications as may enable the members of the Legislature and other persons connected with the Government of this State to obtain, at any time, necessary information in relation to any subject upon which they may be called upon to act in the discharge of their official duties, and to lay the foundation of a library for that purpose, were severally read and passed in concurrence.

### IN THE HOUSE.

FRIDAY, Feb. 10.  
County of Waldo. Bill to incorporate the County of Waldo was taken up and read once, and in the second reading, Mr. Snow of Frankfort, moved to insert the towns of Freedom, Unity, Montgomery and Barnham, in the County of Kennebec, which was decided in the negative by a vote of 55 to 54. Mr. Little moved to include in the bill the towns of Union and Washington in the County of Lincoln, on the ground that these towns were included in the petitions for a new county. The House negatived the amendment by a large majority. Mr. Little then moved to exclude from the new county the town of Frankfort. He said this town had not petitioned to belong to the new county; but it had repeatedly petitioned to be set off to the County of Penobscot. He thought, therefore, that the known wishes and interests of that town ought to be so far consulted as to leave it out of the new county.

Mr. Snow of Frankfort, advocated the amendment. Mr. Hazeltine of Seabrook, opposed the amendment.

Mr. Bent of Bangor, was in favour of the amendment. He stated that the town of Frankfort had a long time been petitioning to be annexed to Penobscot. That town is nearer to Bangor than Belfast, and most of its business was transacted at Bangor. He thought that town ought not to be compelled to belong to the new county so manifestly against its interest.

Mr. Warren of Jackson, opposed the amendment. Mr. Clark of Hallowell, was on the committee to whom this subject had been referred. He stated that one of the principal subjects of discussion before the committee was the town of Frankfort. The result was that the committee was perfectly satisfied if the new county was granted, that the town of Frankfort ought to belong to it.

The question being taken, the House decided not to strike Frankfort out of the Bill by a vote of 58 to 41. Mr. Quinman, of Wiscasset, then moved to strike out from the Bill, all the towns belonging to the County of Lincoln.

The motion was supported by Mr. Jewett of Bowdoinham, Delano of Woolwich, Fessenden of Portland, Burr of Litchfield, Richardson of Jefferson, and Hodgman of Warren—and opposed by Messrs. Warren of Jackson, Hazeltine of Seabrook, Johnson of Belfast, and Govin of Montville.—The question being taken on striking out the towns of Lincoln county, it was decided in the negative, 57 to 46.

Mr. Hodgman of Warren, then moved to insert in the Bill the towns of Freedom, Unity, Montgomery and Barnham, in the County of Kennebec. The question was put and decided in the negative, 50 to 40.

The bill was then passed to a third reading by a vote of 57 to 40; and Wednesday next at 10 o'clock was assigned for the third reading.

TUESDAY, Feb. 14.  
The Committee on the Judiciary was instructed to inquire into the expediency of exempting from attachment, &c. all papers in the several Meeting-Houses in this State.

Bills read and committed.—To incorporate the proprietors of the Baptist meeting-house in Machias Port—to incorporate the Livermore Bank—establishing the times of holding the Supreme Judicial Court.

State Tax.—The Committee on Finance were on their report, ordered to prepare a Bill for raising \$50,000 on polls and estates.

WEDNESDAY, Feb. 15.  
Bill read and committed.—Bill additional to the act authorizing a Lottery for the benefit of Cumberland and Oxford Canal.

Major General of 4th Division.—The whole number of votes was 123, Richard T. Dunlap had 82, and was declared elected on the part of the House.

The subject of annexing Benjamin Woolbury and others of Buckfield to Paris was called up, and the House refused to reconsider their vote, whereby they refused the Bill a second reading.

Bill incorporating the County of Waldo, was reported with sundry amendments which were adopted.—Mr. Snow then moved a reference of the Bill to the next Legislature, which motion was lost. Yeas 54, Nays 69, and the papers were ordered to lie on the table.

Bill to incorporate the County of Waldo was called up and a motion was made to strike out Vinalhaven, which prevailed. An amendment was then offered by Mr. Quinman providing that the towns taken from Lincoln County, be held for the payment of all debts justly due of their equal proportion from the County of Lincoln.—The amendment proposed did not prevail.—Yeas 53, Nays 63.

Mr. Quinman then moved a re-consideration of the last vote, and to-morrow at half past three o'clock in the afternoon assigned for the consideration of the motion.

THURSDAY, Feb. 16.  
Petition of Silas Estes and others of Westbrook, to have the Legislature meet in May or June instead of January; of John Ruggles for a Lottery in behalf of a corporation in Thomaston, for the purpose of exploring certain places in said town for coal mines; of Ralph C. Johnson and others for a Lottery.

Ordered, That the Joint Standing Committee on the Judiciary, be instructed to inquire into the expediency of proposing an amendment to the Constitution of this State, so that the Legislature shall convene on the last Wednesday of May annually, or on any other day that may be deemed expedient, instead of the first Wednesday of January, with leave to report by Bill or otherwise.

### FOREIGN.

DEATH OF ALEXANDER. The official intelligence of the death of Alexander had not reached London as late as the 25th of Dec., and the event was still doubted by many. Bell's Weekly Messenger of that date, which bestows nearly a column of remarks on the subject, says, that "it has very seldom happened, that an event of so much importance has been communicated in a manner so strange and mysterious. The announcement being more like the advertisement of the death of a banker or merchant, and a common obituary." Among the many rumours respecting his death was one that he had fallen by violent means.

In speaking of the consequences of this event and the succession of Constantine, the Messenger remarks:

"There can be very little doubt but that there will be an instantaneous attack upon the Turkish Empire, and that the whole face of Europe in that part of the world will be immediately altered. It is not only, the well known intention of Constantine to adopt this course, but it is his immediate interest. It is the only means by which he can conciliate his enormous and savage army. All accounts agree it is only by his army that he can hope to reign in safety, and he must therefore at once employ his soldiers, and employ them in some object conformable to their wishes. The effect of such a step

by Constantine would be an immediate agitation of all those elements on the continent of Europe, which had lately been kept tolerably quiet by the principles of the Holy Alliance. If Constantine should take the part of the Greeks against the Turks, it would be impossible for Austria to remain neutral. The fire would be immediately kindled in the centre, and burn onwards to the remotest corner of Europe. What the result might be, it is difficult to say. But, we trust, should such an event occur as a general continental war, that Great Britain will perform a part worthy of her; by protecting from slavery and subjugation, those illustrious States, which are entitled no less from ancient fame and recollection, to her assistance and support, than from the brave and glorious struggles which they have recently made, to escape from the most brutal bondage."

A letter from Frankfort, dated Dec. 22, states that the Grand Duke Michael is appointed Vice Roy of Poland.

WAR BETWEEN FRANCE AND ENGLAND.—The Paris Moniteur says that in consequence of an English brig having been detained at St. Sebastian's in Spain, by the present French Government, (a circumstance which has lately been noticed in all the papers,) a report prevailed at Madrid, in the early part of last month, that war had broken out between France and England. Numerous speculations were made on this supposition; and the report excited at Madrid very strong sensations.

By a late arrival at Boston, from South America, news has been received of the following declaration of War by the Government of Brazil, against the United Provinces of Rio de la Plata:

The Government of the United Provinces of Rio de la Plata having committed acts of hostility against this Empire without provocation, or previous formal declaration of War, rejecting thus the forms established among civilized nations, it is required by the dignity of the Brazilian people and the rank which belongs to us among powers, that I, having heard my Council of State, should declare, as I now do, War against the said Provinces and their Government, directing that by sea and land, all possible hostilities be waged upon them, authorizing such armaments as my subjects may please to use against that nation—declaring that all captures, prizes of whatever nature, accrue entirely to the captors, without any deduction in favour of the public treasury. [Follows the regulation for the publication and distribution of the decree.]

Rio Janeiro, 10th December, 1825. Fourth year of the independence and the Empire.

PERKIN'S STEAM GUN. Some experiments have been recently made with Perkin's Steam Gun, at the Manufactory near Regent's Park, England. These experiments were made in the presence of his Grace the Master-General of the Ordnance, and his Staff; the Marquis of Salisbury, Mr. Peel, Sir H. Hardinge, Lord Fitzroy Somerset, the Judge Advocate General, and many Military Officers of the highest rank; together with a committee of Engineer and Artillery Officers, who, it appeared, had been officially appointed by the Duke of Wellington to examine into the merits of this wonderful specimen of human ingenuity and destructive power. We make the following extract from the London Times of Dec. 11.

[Best. States.]  
At first the balls were discharged at short intervals, in imitation of artillery firing, against an iron target, at the distance of thirty-five yards. Such was the force with which they were driven, that they were completely shattered to atoms. In the next experiment the balls were discharged at a frame of wood, and they actually passed through eleven one-inch planks of the hardest deal, placed at the distance of an inch from each other. Afterwards they were propelled against an iron plate one-fourth of an inch thick, and at the very first trial the ball passed through it. On all hands this was declared to be the utmost effect of force that gunpowder could exert. Indeed we understand that this plate had been brought specially from Woolwich, for the purpose of ascertaining the comparative force of steam and gunpowder. The pressure of steam employed to effect this wonderful force, we learnt on inquiry, did not at first exceed 65 atmospheres or 900 lbs. to the square inch; and it was repeatedly stated by Mr. Perkins that the pressure might be carried even to 200 atmospheres with perfect safety. Mr. Perkins then proceeded to demonstrate the rapidity with which the balls might be projected by its agency. To effect this he screwed on to the gun-barrel a tube filled with balls, which falling down by their own gravity into the barrel, were projected one by one, with such extraordinary velocity as to demonstrate that, by means of a succession of tubes, filled with balls, fixed in a wheel, (a model of which was exhibited,) nearly one thousand balls per minute might be discharged! In subsequent discharges or volleys, the barrel, to which is attached a moveable joint, was given a lateral direction, and the balls perforated a plank nearly twelve feet in length. Thus, if opposed to a regiment in line, the Steam Gun might be made to act from one of its extremities to the other. A similar plank was afterwards placed in a perpendicular position, and in like manner, there was a stream of shot-holes from the top to the bottom. It is thus proved that the Steam Gun has not only the force of gunpowder, but also admits of any direction being given to it. But what seemed to create most surprise was the effect of a volley of balls discharged against the brick wall by the side of the target. They absolutely dug a hole of considerable dimensions in the wall, and penetrated almost one-half through its thickness.—We heard several officers declare their belief, that had the balls been made of iron instead of lead, they would have actually made a breach through it—the wall was 13 inches thick."

### DOMESTIC.

DETROIT, Jan. 10.

Indian Murder. On Saturday last, about sunset, an Indian of the Saginaw tribe was found in one of the lower streets, nearly dead from a deep cut made on the back part of his head with a tomahawk. Suspicion immediately rested upon Kishkewau, the notorious war-chief, long known for his many and atrocious murders. He was pursued by the deputy sheriff, Mr. Hunt, with a posse, and overtaken about midnight, at the house of the agent, Col. Beaufait. He and his son, with two other Indians, were found asleep, the young man with his father's tomahawk under his head. On being awakened, and finding the tomahawk and other weapons secured, he observed that the former might have blood on it, as he had used it to cut meat the day before. On being told that it was the Governor's wish that they should immediately appear before him, they quietly suffered themselves to be taken to prison. The wounded Indian died in the night.

On Sunday morning, Mr. Woodworth, corner of the county, assembled a jury who, after a strict investigation, which occupied nearly the entire day, unanimously found a verdict of murder against Kishkewau and his son the Big Beaver; the latter as principal, and the former as accessory before the fact. The two other Indians were discharged, nothing having appeared to lead the jury to believe that they were participants in the crime.

Another.—The bodies of three Indians were found in the road near Swan Creek, in the County of Monroe, on Sunday morning last, mangled in a most shocking manner. We have learned no particulars.

Raleigh, (N. C.) Feb. 3.

It becomes our painful duty to record the most distressing event which has occurred in our city for many years: At about sunrise, on Monday last, Southey Bond, Esq. committed suicide, in one of his out-houses, by cutting his throat with a razor. He was in his 56th year, had been a merchant in this place for about 30 years, and had maintained through life, a character of incorruptible integrity and great frankness of manners, with a politeness and hospitality, which endeared him to all his friends and acquaintances. He had, for 15 years, been a member of the Baptist Church, and his deportment corresponded with his profession—his piety was undoubted. He has left an affectionate wife and four promising children to lament their irreparable loss. We understand that, for several weeks previous to his death, he appeared to be much distressed in mind, and that even his family are unacquainted with the cause which led to the commission of the desperate act.—Star.

Pawtucket, (R. I.) Feb. 4.

Fires. The extensive Cotton Manufactory, situate in Slatersville, was on Wednesday morning last, destroyed by fire. The building was 162 feet in length, and contained 5000 spindles. The fire originated near the furnace, and was entirely accidental.—The mill was owned, three-fourths by the house of Almy, Brown & Slater, and one-fourth by Mr. John Slater, of Smithfield. Less estimated at \$100,000—no insurance.

Reiterated attempts to destroy the City by Fire, are continued almost nightly. On Wednesday night, 6th inst. about 12 o'clock, fire was discovered to have been communicated in King-street, near to the corner of Wentworth-street, on the same lot, and within a few feet of the place in which a similar attempt had been made on the night of the 23d ult. The presence and vigilance of the Patrol, in this instance alone saved us from an extensive conflagration.—Charleston Courier.

A Stage Coach driver [named Brown, lately a resident in Salem] on the line between Concord and Groton, (Mass.) was found frozen stiff upon his box on the road, on Tuesday, 7th inst. holding his reins in his hand. He was dead, and the reins clenched so fast, that they were obliged to be cut, before they could be extricated from his grasp.

A woman was frozen to death in Southac-street, Boston, on Tuesday night, 7th inst.

HEALTH. Though the number of deaths in Baltimore is no greater than usual, it would not, perhaps, be extravagant to say that one fourth of our whole population is indisposed, many of whom are confined to their beds or houses. The disease which prevails has the appearance and general effect of a very bad cold, and commonly yields to simple remedies, if sufficient care be used by patients to keep themselves warm. In some instances, however, it does not yield easily, and requires strong medicine. It began to prevail shortly after the damp and dark weather that we had two or three weeks ago.—Niles.

Mrs. Mary Stocker, in the 103d year of her age, is now living in Galway, (N. Y.) She never saw any Tea till she was 17 years old, nor a Potato till she was 20. When Tea first came into use, the women used to carry cups and saucers in their pockets when they paid a visit. The men were at first afraid to plant Potatoes, lest it should be impossible to root them out.

Capt. Meyen, of the *Graff Zinzendorf*, arrived at this port yesterday, states that it had not rained in Ceara, (North Coast of Brazil,) for the last 3 years; in consequence of which, the inhabitants were reduced to the necessity of depending entirely upon their live stock for subsistence.—Charleston Courier.

General John Miller has been elected Governor of the State of Missouri, by a handsome majority.



# THE OBSERVER.

PARIS, (ME.) THURSDAY, FEB. 23, 1826.

In this paper we have completed the publication of the opinions of the Judges of the Supreme Court, with respect to the questions submitted to them by the House of Representatives, sometime since. In doing this, we have excluded considerable other matter. But, as there are different opinions among Judges, as well as other men, we presume that both sides of the question will be read with interest. Perhaps we never saw a time when the old adage—"who shall decide, when Doctors (Judges) disagree?" could be used with more propriety.

We learn that the House of Representatives decided by a majority of about 60 votes, that Mr. Strout, the member from Limington, &c. was entitled to his seat, thereby evincing their preference for the opinion of Judge PREBLE.

MAINE LEGISLATURE.—The Legislature of this State still continues in session. The business which has been dispatched of a public nature, as yet, is very limited; at least in amount. Would it not be for the interest of the State to have the Legislature meet in May or June, when the length of the days would afford the members time to transact a little business? At this season of the year the days are short, and generally cold; consequently, the State must be at the expense of keeping good fires with wood at five dollars per cord;—and still many of the members are half frozen, and some quite torpid; and if they once get warm, they hardly know when or where to make a stop. It may be urged on the other hand, that should they meet in May or June, many of the members would be dull and sleepy. This, perhaps, might be the case; but at the same time we would submit it to the good sense of the people, whether we have derived more benefit from a large part of our winter Sessions, than we should have done if some of the members slept soundly. It would certainly have been one advantage—we should have had some sound Legislators.

LIVERMORE BANK.—We perceive by the journals of the Legislature, that the Petitioners for a Bank at Livermore are likely to succeed. We have no doubt from what we can otherwise learn on the subject, that the Stock will be very readily taken up; although the Hon. Mr. Williams, of Kennebec, wished to effect an amendment to the Bill, by making a certain number of the Petitioners become stockholders in the Bank to the amount of at least \$500. We suspect that the Hon. gentleman must have been governed by selfish motives wholly, or he never would have made a motion of this kind—it is often the case that men, who petition for a Bank, never expect to be stockholders. Do all the Petitioners for the Dam at Augusta, mean to be stockholders? According to the theory of the Hon. gentleman from Kennebec, they should be.—It is very possible that both projects, when carried into effect, will cause some stoppages—perhaps Augusta Bank Bills will not circulate quite so freely in Livermore and its vicinity.

STATE PRISON.—Through the politeness of a friend at Portland, we have been furnished with "a general statement of the affairs of the Maine State Prison, January 2, 1826." By which it appears, that on the 7th of January, 1825, the number of convicts were 53.—33 were discharged the past year, 3 pardoned, and 1 escaped—leaving 16 in prison. During the same period 56 were received, which makes the whole number 72. There were 56 committed for larceny—2 for counterfeiting, or having counterfeit money in their possession, with intent to pass the same—3 for manslaughter—2 for adultery—1 for adultery and lewdness—4 for lewdness—1 for assault, &c. and 2 for forgery.

The whole amount of the expenses for the prison, was \$9,571 43. The whole amount of income, was \$9,294 71—leaving a balance against the prison, of \$276 77.

CONGRESS.—has been busily engaged for several days in discussing what may be termed the Panama question. Considerable time has been spent in deciding whether the House of Representatives should call on the President for all the information he had on the subject, or only for what he was pleased or see fit to give them. We suspect it will make very little difference with the President which way the call is made. That our readers may understand the subject a little better, we give the words of the Resolution, which are as follow:

"Resolved, That the President be requested to cause to be laid before this House, so much of the correspondence between the Government of the United States, and the new States of America, or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents at Panama, and such information respecting the general character of the expected Congress, as may be in his possession, and as may, in his opinion, be communicated without prejudice to the public interest; and also to inform the House, so far as in his opinion the public interest may allow, in regard to what objects the Agents of the United States are expected to take part, in the deliberations of that Congress."

Mr. INGHAM of Penn. offered to amend the above resolution, by striking out "so far as in his opinion the public interest may allow." The following are the observations of Mr. SPRAGUE on the subject:

Mr. SPRAGUE, of Maine, said he did not rise to discuss the subject of the Panama Mission, under the present motion, but because the question before the House presented itself to his mind, in a different view from that which other gentlemen had taken of it. The gentleman from Pennsylvania, (Mr. INGHAM), the mover of the amendment, has told us that the question is, "Shall we have more or less information?" Is it so? Why do we request the President, instead of directing or commanding him? Is it not because we have no right to command him; because he is as independent in his sphere as we are in ours? He is

bound to execute his high trust in the manner which, in his sober judgment, shall best conduce to the interests of the nation. Suppose, then, we request the President, in the most unqualified terms, to send us all the information; and he, with the whole before him, shall firmly believe that, to disclose it, would be of essential injury to the public interests, or violate our faith to foreign nations—would he not be bound, in the discharge of his duty, to withhold it? If, then, the President shall perform his duty, and I firmly believe that he will conscientiously and independently, the same information will be communicated whether the qualifying clause shall be stricken out or not. The extent of information to be obtained does not depend upon the terms of the resolution. Still I do not consider the phraseology a matter of form only; and, if it did appear to be so, it would not be wise, unnecessarily to depart from the established forms of official intercourse. Such a deliberate departure, at this time, must indicate something—I need not say what. I apprehend that the clause, now proposed to be stricken out, was originally adopted by the members of the House not only because it was respectful to the Chief Magistrate, but, also, out of respect to themselves. They were unwilling to make an improper request. They would not subject themselves to the imputation of asking the President to do that which it might be his duty to refuse—they, therefore, used such language as restricted the request within its proper limits, and left to the Executive the free exercise of his legitimate powers. Why should we now depart from a precedent so long established? It is answered that this is a new case. The same may be said of every question under any new circumstances. If this identical case has not before arisen, there have been many so similar and analogous as to govern the present. This refers only to our foreign relations, and missions deeply affecting those relations have been of frequent recurrence. Again it is said that we should disregard precedent, because this is a subject of transcendent importance. If the view which I have taken be correct, the importance of the proposed mission has no bearing upon the question, since the extent of our information will not be affected by the amendment. But, is this a matter of such importance? Was there never a case of equal magnitude in our history? It is said we were about to change our national policy. Of this I can see no evidence, and do not believe it. If it were so, is the question, whether we shall change our policy? of greater magnitude than was the original question, whether we should first adopt it? When, during the late war, commissioners were empowered to negotiate for Peace, and form a treaty which might affect all the vital interests of the nation, was it a matter of less importance to us than the sending of ministers to Panama? I cannot consider this subject of such overwhelming magnitude as gentlemen have represented it. I see nothing in the present conjuncture that imperiously necessity which disregards all law and all precedent: and believing that the proposed amendment will produce no good, but much evil, I shall vote against it.

[The motion for amendment was negatived by a vote of 98 to 71.]

REMARKABLE COLD DAYS, since 1810.—Cold Friday, Jan. 19, 1810: Cold Tuesday, Jan. 21, 1815: Cold Friday, Feb. 14, 1817: Cold Wednesday, Jan. 24, 1821: Cold Tuesday, Dec. 13, 1825: Cold Tuesday, Jan. 31, 1826, and cold Wednesday, Feb. 18, 1826—making seven very cold days in sixteen years.

On Tuesday, Jan. 31, 1826, the Mercury fell 40 degrees below Zero; on the following morning, at Quebec, it was at 38 degrees.

We have been furnished with an *Abstract of a Journal of the Weather*, for the month of February, for the last twenty-five years, from which we make the following extracts. They may be interesting to some, and perhaps valuable to many of our readers, as they may be enabled to fix the time of some other events, by knowing the particular day on which was a very high wind, or a great snow-storm, &c.

Feb. 1, 1800, quite a snow storm: 3, clear and very warm: 4, a blustering storm of snow in the forenoon; hail and rain in the afternoon, which makes a sharp snow crust: 5 & 6, some snow, rain, fog and misty: 8, becomes clear and cold; continues cold and cloudy, with some wind, to the 14th at dusk, when there comes on a violent storm of snow: 16, becomes pleasant weather, and continues pleasant and warm for several days: 22, very clear and warm: 23, some snow: 24, foggy and warm; a shower just at night, and a very bright rainbow: 25, cloudy and cold: 26, cloudy and very cold: 27, clear and cold: 28, pleasant.

[Note. The market-price of corn in the vicinity of Oxford County, Feb. 14, 1800, was 5 shillings per bushel; wheat 10s.; rye 8s.; oats 3s.; potatoes 2s.; salt 8s.; rum 7s. 6d. per gallon; molasses 4s.]

Feb. 1 & 2, 1801, pleasant days: 3, 4 & 5, stormy, and very blustering part of the time: 6, very pleasant: 7, stormy; 8, clear and blustering: 9, a very cold storm of snow: 10, clear and pleasant: 11, cloudy and very cold: 12, blustering: 13, very pleasant: 14, very blustering and stormy; good weather continues to the 18th, then some rain: 19, very warm: 20, very warm: 21, some snow and squalls, and very cold: 22, clear: 23, very warm: 24, some rainy: 25, cloudy and very warm: 26, 27 & 28, clear and very warm.

[TO BE CONTINUED.]

## TO CORRESPONDENTS.

The favour of 'Edwards' will be inserted next week. We have also received some more poetic effusions from the pen of 'ORTHOXA,' which we shall with pleasure give place soon.

## Married.

In this town, on Monday last, by Asa Barton, Esq. Mr. HENRY KIVITT to Miss SOPHIA SMITH. In Hebron, by B. Myrick, Esq. Lieut. Job Morton to Miss Rebecca Glover.—By Rev. John Tripp, Mr. Silas Maxim, Jr. of Paris, to Miss Hannah Packard, of Hebron, after a short courtship of only ten years.

## Died.

In New Portland, 9th inst. Miss Rhoda Atwood, aged 23 years, formerly of Livermore. In Richmond, (Mass.) Hon. Nathaniel Bishop, aged 76. He was one of the framers of the original State Constitution, and for a number of years was Judge of the Court of Common Pleas and Register of Probate. In Hubbardston, (Mass.) Mr. James Thompson, aged 83. In Germantown, (Penn.) widow Dorothy Somerlot, aged 101. She made her own shroud, 30 years ago—and when opened, it was found decayed beyond all possibility of use! In New-York city, Mrs. Margaret Kline, aged 105. In Portland, Hon. John Frothingham, aged 76, for many years a Counsellor at Law in that town, and one of the Judges of the Court of Common Pleas from 1804 to 1811, at which time that Court was dissolved.

In Greenfield, (Ms.) Mary Newcomb, wife of Col. R. E. Newcomb, and only surviving daughter of Joseph Warren, who was killed at the battle of Bunker Hill. She inherited the personal, as well as mental qualities which are said to have characterized that distinguished patriot.

At Portsmouth, (N. H.) Jonathan Payson, Esq. Postmaster, aged 74.

At Haverhill, Mehitable, widow of the late Joseph Haynes, Esq. aged 98.

At Methuen, Mr. James Fry, aged 86. He was the oldest son of Gen. James Fry, late of Andover, and nephew to Rev. Jona. Fry, who was chaplain in the company under Capt. Lovell against the Indians, and died near Pigwacket.

## SALE AT AUCTION.

On Saturday the 25th instant, at 10 of the clock in the forenoon, at the Store of J. & F. BEMIS, in Paris, will be sold at Auction

7 elegant SILVER WATCHES;  
6 LUXURIOUS GOLD WATCHES;  
3 doz. WATCH KEYS;  
4 doz. WATCH CHAINS;  
2 doz. elegant GLASS SEALS;  
3 doz. SILVER WATCH CHAINS;  
6 doz. BROACHES;  
6 cards BEADS.

Also—A great variety of JEWELRY, too numerous to be inserted in an advertisement.

Also—5 flasks first rate RIFLE POWDER;  
1 piece FLAC SILK HANDKERCHIEFS;  
1 piece FACTORY COTTON CHECK;  
A Lot of BOOKS, &c.

Terms—Cash, on delivery of the articles.

THOMAS WEBSTER, Auctioneer.

Paris, Feb. 21.

## LOTTERY NOTICE.

THE Cumberland & Oxford Canal Lottery will draw on the 4th day of March next. Now is the time to call at the Oxford Bookstore, and purchase Tickets, either in whole, or parts.

Price—Wholes \$4 50; Quarters \$1 25; Eighths 62 1-2 cents.

## NOTICE.

At a Regular Communication of the PYTHAGOREAN LODGE, holden at Fryeburg, on the 2d Thursday of February, 1826—

Resolved unanimously, that MOODY M. MERRILL, for gross immorality, intemperance, and fraudulent practices, be expelled the Pythagorean Lodge, and that the Secretary cause a copy of this Vote to be published in the Oxford Observer, printed at Paris.

A true copy from the Records,

Attest, JAMES W. RIPLEY, Sec'y.

## HEBRON ACADEMY.

THE Spring Term in Hebron Academy, will commence on the thirteenth day of March next, under the care of Mr. SIMEON PERKINS, A. M. who gave such general satisfaction to the Superintending Committee and Students the last Term.—Youths of both sexes are again invited to try the advantages of this Institution.

JOHN TRIPP, Secretary.

Feb. 14, 1826.

## NOTICE.

ALL persons are hereby cautioned against purchasing a Note of hand, given by the subscriber on the 8th day of December, 1825, payable to SETH PERKINS, or order in March next, for the sum of six dollars—as I have received no consideration for the same.

AMOS FULLER.

Paris, Feb. 21.

## PARTICULAR NOTICE.

IN consequence of new arrangements made by my employers, I am under the imperative necessity of informing all who are indebted to the Oxford Bookstore, (except for the Observer), that their Notes and Accounts which have now become due, must be paid by the 25th instant. All remaining unpaid after that date will be taken out of the hands of the subscriber.

ASA BARTON, Agent.

Paris, Feb. 7.

## G. C. LYFORD

RESPECTFULLY informs his friends and the public, that he has resumed the Retailing business at the Store he formerly occupied in Court-street, (and more recently improved by G. W. Goodwin,) where he has received and will receive in the course of the present week, a great variety of Fresh and New GOODS—consisting of blue, black, claret, mixt and drab BROADCLOTHS—valentia and fancy coloured CASSIMERES—Tolinnett, Valencia, swansdown and black silk Vestings—plain and fig'd Bombazettes—white, green, yellow and red Flannels—new and fashionable Calicoes, Furnitures and Copperplates—white, black and cold Cambrics—Tartan and Scotch Plaids—scarlet Rattinets—plain and fig'd Book Muslins—elegant Swiss Muslins—Cambric do.—Long Lawns—Linen Cambrics—fig'd and checked do.—real and imitation Merino Hds.—black, plaided and fancy Silk Hds.—India and German flag do.—blue and yellow Cotton Flag do.—spotted, check'd and Berkeley Neckkerchiefs—real Merino Shawls and Mantles—raw silk Mantles—Bobbinett & Mecklin Laces—plain mecklin and bobbinett Laces for veils—white and coloured pressed Crapes—black, white, and green Italian Crapes—Crape Shawls and Dresses—Gauze Veils—broad black Bombazines—Irish Linens—brown and black Linens—mourning Calicoes and Gingham—women's black and slate Worsted Hose—black and white Silk Hose—beaver, kid, horse skin and silk Gloves—children's Gloves—gentlemen's beaver, buck and doe Gloves—black and colour'd double chain Levantines—black Sinclaws and Sargnetts—changeable, plaid and green Silks—figured Silks—Carolina Plaids—Cassimere Shawls—cotton Shawls—linen and damask do.—linen damask Table Cloths—Lingham made cotton Umbrellas—black ostrich Plumes—great variety garniture Ribbons—black and coloured lustrous Ribbons—common and trimming Tapes—chainett Gimps—piping Chords—habit Buttons—gentlemen's coat and vest Buttons—black, blue and coloured Sewing Silk—hall and common Twist—camelot and twist Buttons—Hall's sewing Cottons, spool Cottons—floss Cotton in skeins and spools—pearl and thread Shirt Buttons, &c. &c.

Also—10 Pieces Satinets; 4 bales Factory Gingham—4 bales brown Sheetings—3 do. brown Shirtings—2 bales Bedtickings—Sea Island Shirtings—fine and common bleached Sheetings—5-1 brown Sheetings—3-4 and 4-1 Checks—Knitting Cottons, &c. &c.

Livermore—Warp and Filling YARNS of the Executor Factory, all numbers, and warrantable.

N. B. The above GOODS were purchased very low, and will be sold as cheap as Goods ever were at the "Cheap Store." Purchasers are requested to "call and see."

Portland, Jan. 17, 1826.

## NEW TAVERN.

THE subscriber informs his friends and the public, that he has opened a PUBLIC HOUSE, in Norway Village, between the Hay Scales and the Universalist Meeting-house, where he has all the accommodations which are convenient to the Traveller, and which he will afford on as low terms as any other innholder. He solicits the public patronage; and means by assiduity and attention to deserve it.

Norway, Jan. 25, 1826.

## COLLECTOR'S NOTICE.....Paris.

NOTICE is hereby given to the non-resident Proprietors of the following lots of Land, lying in Paris, in the County of Oxford, and State of Maine, that they are taxed in the bills committed to me the subscriber, to collect for the year 1824, in the following sums, to wit:

Names.	Lot.	Range.	No. of Acres.	Value.	Tax.	Deficiency.
Josiah Bartlett,	20	1	50	100	1 65	
Bailey Bodwell, part,	6	1	20	60	90	
Unknown,	29	3	100	150	2 48	2 15
Do. East part,	5	6	50	100	1 65	1 43
Do. N. part,	25	7	100	200	3 30	2 27

And unless said taxes and all intervening charges are paid to me the subscriber, on or before Wednesday the twenty-ninth day of March next, at one o'clock in the afternoon, so much of said lots will then be sold at the Court-house in Paris, as will pay the same.

CYRUS HAMLIN, Treasurer and Collector.

Paris, Feb. 11, 1826.

## COLLECTOR'S NOTICE.....Bethel.

NOTICE is hereby given to the proprietors of the Lands herein after mentioned, in the town of Bethel, County of Oxford, that the same are taxed in the bills committed to me the subscriber, for collection, for the State, County and Town, and School Taxes for 1825, and for deficiency of Highway Tax for 1825, in the respective sums following, to wit:

Proprietor's name.	Range.	No. of Lot.	No. of Acres.	State & Co. Tax.	Town & School Tax.	Deficiency of Highway Tax.	Total.
N. Bigsby,	1	9	100	12	26		38
Do.	1	10	100	14	29		43
Unknown,	1	12	100	12	26	84	1 22
J. Walker,	1	13	50	6	13		19
C. Studson,	1	21	100	16	34		50
Unknown,	2	4	100	12	26	84	1 22
Amasa Clark,	2	15	100	12	26	84	1 22
Unknown,	2	16	100	10	21		31
Wm. Reed,	2	17	100	12	26		38
A. Gage,	2	19	100	12	26		38
Wm. Reed,	2	21	100	10	21		31
J. Grover,	2	23	75	10	21		31
E. Richardson,	2	26	100	12	26		38
Wm. Russell,	3	4	100	12	26		38
N. Bigsby,	3	9	100	10	21		31
Unknown,	3	11	100	16	34	29	79
Do.	3	12	100	6	13	35	54
D. Groat,	3	20	100	12	26		38
Little,	3	22	20	6	13		19
E. Rowe,	3	24	100	14	30		44
Unknown,	3	26	100	12	26		38
I. Town, agt.	3	27	100	14	29		43
Unknown,	4	3	100	8	17		25
Do.	4	2	100			20	20
J. Ellenwood,	4	24	50	10	21	30	61
C. Twitchell,	8	28	100	12	26		38
E. Rowe, agt.	9	30	50	10	21		31
D. Groat,	9	29	100	10	20	44	74
E. Chapman, agt.	10	25	100	14	29		43
Unknown,	10	27	20	3	6		9
Do.	11	20	32			20	20
Do.	11	21	28			20	20
Do.	11	22	20			16	13

Unless said taxes and all necessary intervening charges are paid to me, the subscriber, on or before Monday the twenty-seventh day of March next, so much of said land as will satisfy the same, will then be sold at Public Auction, at the Store of O'NEIL N. ROYALSON, in said Bethel, at one of the clock in the afternoon of said day.

AARON MASON, Collector.

Bethel, Feb. 3, 1826.

## To the Hon. Benjamin Chandler, Judge of Probate, of Wills, &c.

WE the undersigned, your Petitioners, heirs in common to the Estate of AMOS TRASK, late of Dixfield, Gentleman, deceased, humbly sheweth, that we wish to hold our shares of said real estate in severalty, according to our respective ownerships. We therefore pray that your Honour would order a division of the same, as the law in such cases provides.

PETER TRASK,  
SILAS BARNARD,  
BENJA. CHAPLIN,  
MOSES PARK,  
Guardian to Louisa Trask  
and Susan Trask.

Dated at Dixfield, Jan. 23, 1826.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-fourth day of January, in the year of our Lord eighteen hundred and twenty-six—

UPON the foregoing Petition, ORDERED.—That the Petitioners give notice to all persons interested, by causing a copy of said Petition with this Order thereon to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court, to be held at Paris, on the fourth Tuesday of March next, and shew cause, if any they have, why the prayer of the Petitioners should not be granted.

BENJAMIN CHANDLER, Judge.

A true Copy of the Petition and Order thereon.

Attest, THOMAS WEBSTER, Register.

## BLANKS.

CONSTANTLY on hand, and for sale at the Oxford Bookstore:

Warrantee, Quitclaim, and Mortgage Deeds;  
Collectors', Sheriffs', and Administrators' Deeds;  
Sheriffs' and Constables' Bail Bonds;  
Town Orders;  
Town Clerks' Certificates of Publication;  
Blanks for Surveyors of Highways;  
Collectors' Receipts;  
Blank Notes, &c. &c.

Also—A good assortment of Attorneys' and Justices' Blanks—on reasonable terms.

Feb. 23.



# POETRY.

FROM THE U. S. LITERARY GAZETTE.

## A SIMPLE STORY.

There never was a gentler creature,  
In city, village, or in town,  
Or one of lovelier heart and feature,  
Or better taught, than Anne Brown.

Her step was like the antelope's,  
Her eye beam'd like a startled kid's,  
Her cheek soft blushing with the hopes  
That youth into existence bids.

The village loved her, friendship hush'd it;  
And if the tale of slander came,  
Both old and young rose up and crush'd it,  
And fixed on other cheeks the shame.

'Twas seldom needed—female virtue  
Has in itself protection strong;  
And maidens, if the viper hunt you,  
It must be ye are in the wrong.

There came one day to woo the maiden,  
A sparkling youth in courtly guise—  
A rural lad with spring-flowers laden—  
To win to love the beautiful prize.

She takes (oh, simple girl) the former,  
And sends the village swain away;  
She'll find, alas! his cottage warmer  
Than the proud dwelling of Jack Gray.

She married Jack, he spent his living  
In thriftless aims and deadly brawls;  
And she his wickedness forgiving,  
Dwelt weeping in his lonely halls.

It seemed as if her soft form melted,  
So thin and colourless she grew,  
And they who saw how sorrow pelted,  
Deem'd that her days on earth were few.

He died—but not till his last shilling  
Had won the woman's crav'ngs fed;  
Had left her penniless, but willing  
To earn by honest toil her bread.

She leaves the city and its glitter;  
His grandeur left from peace apart;  
Deem'd her native village fitter  
To hide her broken hopes and heart.

She reach'd it;—scarce her mother knew her,  
So blanch'd her cheek and sunk her eye;  
And the old friends that gathered to her,  
Deem'd 'twas a phantom flitting by.

They press'd her hands, and some are kissing—  
Try every art to make her glad;  
None from the joyful group are missing,  
E'en Willie comes, the baffled lad.

Hope and kind nursing to health bro't her,  
Again the rose bloom'd on her cheek,  
And lovers gay and wealthy sought her,  
But grief has made her wishes weak.

She thanks them for her splendid proffers  
Of jewels and rich trappings gay,  
But says, she better likes the offers,  
That Willie makes the widow Gray.

## THE REPOSITORY.

FROM THE WORCESTER MAGAZINE.

### FORT ERIE.

Black with the miner's blast, upon her height,  
Yet shows of what she was when steel and ball  
Rebounding idly on her strength did light;  
A tower of victory! from whence the flight  
Of baffled foes was watch'd along the plain.  
But peace destroyed what war could never blight;  
And laid those proud roofs low to Summer's rain,  
On which the iron shower for years had poured in vain.

Scarcely ten years have passed since the com-  
motion of warfare raged along the northwestern  
frontier of the United States, and those peaceful  
inhabitants, separated by the broad stream, and  
interchanging mutual offices of friendship, hos-  
pitality, and kindness, were divided by the bar-  
rier of hostility, and met only as foes, to seal  
their union in blood. Yet even now, time has  
obliterated the traces of desperate encounters,  
and the visitor of this classic ground, needs an  
admonition from the record of history to tell  
him, that every step he treads is on the graves  
of the slain; that the fields where the harvest  
spreads its golden mantle, and the green grass  
waves high, were the scenes of carnage: that  
from each silent embrasure of the ruined for-  
tresses the battle-guns poured out its iron hail:  
and that the fair tree, bending so gracefully in  
the summer wind has been nourished by the  
purple current flowing from the hearts of the  
brave. The luxuriant verdure of Erie, of  
Chippewa, of Queenstown, and of Bridgewater,  
springs from clay once animated by living valor;  
and the reaper gathers up his sheaves of grain  
where death has reaped on a nobler harvest.  
The same careless forgetfulness that prompts  
the merry song of the labourer on those wide  
burial plains, has extended to our own country-  
men. The memory of the departed slumbers  
with the past; and we hold no solemn anniver-  
saries to brighten the recollection of their great  
actions. The names of the dead are seldom  
heard, except from those who mourned, when  
they fell, for the loss of some who were dear  
in the circles of domestic and social affection.  
The hand of the survivors spared by the fight  
is fast diminishing. Perry died on a foreign  
shore: Decatur escaped the shot of the foe to  
expire by the hand of a friend: the gallant Mac-  
donough, who displayed our flag in triumph on  
the waters of Champlain, has yielded to the slow  
advances of wasting disease; and few will be  
left to feel the moribund contrast between the  
honours so warmly given in the hours of recent  
success and the coldness of neglect. But the  
duty of gratitude, so reluctantly performed by  
this generation, may be safely trusted to pos-  
terity: they will appreciate merits, and freshen  
the laurels of the men who so well served their  
country, and they will guard with equal veneration  
the memories of Perry and of Nelson, and  
keep with the same fidelity the fame of the  
brave of our infant republic and the names of the  
great of the proud monarchies of ancient days.  
Around those spots which have been redde-  
ned with the blood of our countrymen, there is  
an attraction, which will often draw the travel-

ler from his path. The fields where the finger  
of decay has wasted the traces of sanguinary  
encounter, are still full of interesting associa-  
tions. His temperament must be cold indeed,  
who can tread where the youthful and the brave  
have fallen like the summer leaves. There is  
a silent eloquence in those spots, which stirs  
the deepest feelings of the soul. We shall in-  
cur no risk of exhausting the patience of the  
reader so far, that no stock will remain for our  
future draughts, if we carry him to one of the  
scenes of carnage, and briefly trace the dim re-  
collections of its history.

The fortress of Erie, during the late war with  
England, was the theatre of gallant exploits, and  
the scene of brilliant victories. The movements  
of the contending armies in its neighbourhood,  
were then watched with intense interest and  
keen anxiety. This post is situated on the  
northeastern shore of Lake Erie, in the province  
of Upper Canada, about twenty miles above the  
Falls, on a plain overlooking the magnificent  
expanse of waters. Here the Niagara river  
goes out, and its floods, confined in a narrow  
and rocky channel, rush impetuously along.  
On the American shore is the flourishing and  
neat town of Buffalo, which, in the course of a  
contest, marked on both sides by most disgrace-  
ful and barbarous acts of wanton destruction,  
and in this quarter diversified by deplorable in-  
cidents of cruel outrage and individual suffer-  
ing, was burnt by the British forces; but has  
now risen in renewed beauty from its ashes, and  
presents an animating picture of the effects of  
enterprise, industry, and consequent prosperity.  
On crossing from this village, we embark on  
the foaming stream for a passage, rendered fear-  
ful by the violence of the waves rolling down  
from the lake, and the whirling and eddying of  
the waters among the hidden rocks. So rapid  
is the current, that the boat usually ascends  
about three quarters of a mile, and notwith-  
standing the utmost exertions of the expert and  
athletic oarsman, is frequently carried far below  
the spot of its departure. A short distance down-  
ward, in the midst of the river, is Grand Island,  
smiling like another Eden, now well known as  
the chosen spot selected by the self-constituted  
Governor of Israel, for the metropolis of his  
assumed empire, the asylum where the dispers-  
ed tribes of the Hebrews should gather under  
the shadow of his protection, and find an Ararat  
of Refuge from the persecutions of the nations.  
A short walk, along the margin of the English  
territory, brings us to the military works, now  
dilapidated and ruinous. In the centre stands  
a heavy wall of solid materials, thirty feet in  
height, pierced for artillery, still bearing the  
dint of cannon balls, fired during the long siege  
it sustained, and surrounded with numerous in-  
trenchments. The principal gate-way was  
through this piece of masonry, and was defend-  
ed by a triangular mound, so situated as to com-  
pel the assailants to advance in a direct line with  
the range of the guns. On the East, a line of  
defences extended down the lake, then turning  
northward and running parallel with its margin,  
and with the ramparts of the fort, it went far  
onward. Northward was the front, where the  
fortifications were constructed with the greatest  
care. Two huge bastions projected towards  
the plain, and with their connecting parapet  
were joined to the walls. At their base was a  
deep ditch, and the remains of batteries and  
other parapets are thrown still further in ad-  
vance. The plain beyond, is skirted by an an-  
cient forest, under whose thickets were planted  
the battering train of the British army. The  
lofty trees are pierced with large holes made  
by the passage of cannon bullets, and their shat-  
tered trunks and mutilated bodies, still bear the  
scars of the fight and the memorials of warfare.  
Soon after the commencement of the war, in  
May, 1813, this post was abandoned by the Brit-  
ish, and occupied by the Americans. Before  
the close of that year it fell again into the hands  
of its former owners. On the 3d of July, 1814,  
it was seized by Gen. Brown, and soon became  
the seat of destructive warfare. The series of  
bloody battles distinguishing the campaign of  
that year, had enfeebled the army, and after the  
carnage at Bridgewater, where one thousand  
three hundred and eighty-four gallant men were  
sent to render up their last account, or, linger-  
ing under the torture of severe wounds, were  
disabled from the pursuit of their dreadful pro-  
fession, Gen. Ripley, the officer in command,  
finding himself unable to keep the field against  
a superior force, retired to Fort Erie, then  
scarcely tenable. On the 3d of August, Gen.  
Drummond, with a force of five thousand men,  
invested the post, and despairing of success by  
assault, commenced a regular siege. A cannon-  
ade was opened and constant skirmishes took  
place. The besieged laboured incessantly to  
strengthen their position and increase their de-  
fences. Many days were passed without deci-  
sive action, while the one party were slowly  
and cautiously making their approaches, and  
the other patiently but actively preparing for  
the reception of their foes. Gen. Gaines in the  
mean time had arrived and taken command of  
the fort. The armies lay within full view of  
each other. The British camp was placed on  
the margin of the woods, and its numerous tents  
whitened the plain. The morning of the 14th  
was bright and fair; the glittering of bayonets,  
the waving of the long line of plumes, and the  
gay dresses of the assailants mustered behind  
their intrenchments, could be seen from the  
fortress. No extraordinary movement foretold  
the fearful events of the night that came on  
dark and heavily. But many a soldier who at  
evening had laid down to repose from his toils,  
at midnight, when the trumpet sounded its sig-  
nal note, started from his bed, to exchange the  
visions of slumber for the dreamless sleep of  
eternity. The British General had arranged  
his forces in three columns for a desperate at-  
tempt. About two o'clock in the morning the  
advance of the first division was discovered

though the darkness, on the left of the garri-  
son, where a line of brush hastily thrown up  
was the representative of earth and stone.  
They approached silently, when the blaze of  
musketry flashed along the American line, and  
the assailants recoiled before the destructive  
fire. Rally'd by the exertions of the officers,  
they again advanced, and again were driven  
back with terrible loss. A third time they re-  
newed the attempt, but again, routed and bro-  
ken, they were compelled to retreat. The se-  
cond column advanced on the front: but there,  
the artillery, at every discharge, swept through  
their ranks; they paused, and in dismay follow-  
ed their companions. The third division, eight  
hundred strong, after a bold and equally ineffec-  
tual assault, retired in confusion. Drummond,  
unwilling thus to abandon his undertaking, con-  
centrated his troops for another onset. The  
darkness of night, made more thick by the  
smoke of the battle, favoured his approach.—  
Stealing silently along the ditch, on the eastern  
side, the scaling ladders were applied, and he  
mounted the parapet, shouting to his men to give  
no quarter. The sanguinary order was obeyed,  
and the bastion carried, after the slaughter of  
its defenders. Lieut. Macdonough, wounded, and  
faint with the loss of blood, called for mercy;  
the sanguinary order was repeated; the spirit  
of the dying man revived, and seizing a hand-  
spike, he fought until the blood-thirsty officer  
shot him with his own pistol. The murder was  
soon avenged. After finishing this act of cool  
barbarity he received a ball in his breast and  
instantly expired. The enemies, notwithstanding  
the loss of their leader, maintained their  
position and repulsed the attempts to dislodge  
their forces. The reserve was preparing to  
move to their support, when suddenly an ex-  
plosion burst from the magazine beneath the  
battery where they stood, and the mangled  
bodies of the soldiers, blackened with smoke  
and scorched with flame, were seen, as they  
were thrown to a great height, and fell amid  
the masses of rock and timber, in the over-  
whelming ruin. Thus ended the tremendous  
encounter of that night. When the morning  
sun rose on the scene of slaughter, two hun-  
dred and twenty-two of the assailants were  
stretched out on the field of death; one hun-  
dred and seventy-four were wounded; and one  
hundred and eighty-six remained as prisoners.  
From this period, until the 17th of Septem-  
ber, the siege was prosecuted with vigour.  
Daily recruits of militia and volunteers arrived  
to the support of the garrison, and Gen. Brown  
having recovered from his wounds resumed the  
command of the army. On that day, led on by  
Miller, Ripley, Davis and Porter, the forces  
made a sortie, one of those bold movements, de-  
cisive of the fate of war. The beleaguering  
corps were cut in pieces, their cannon destroy-  
ed, their batteries blown up, their intrench-  
ments prostrated, and they soon after abandon-  
ed their position and retired to Fort George.  
At the close of the campaign the fort was  
dismantled, and Gen. Brown retired across the  
river to his winter quarters.

The ramparts are now grass grown, and the  
ditches choked with rank weeds. Along the  
breast-work which guarded the shore of the  
lake, the road to the village of Erie now passes,  
and the defences which once sheltered our  
countrymen from the death-shot are now level-  
led, that the luxurious visitor may roll along  
over its smooth highway. The miserable huts  
of the emigrants are erected where the tents  
of an army were once reared. The wall, once  
lighted by the flash of musketry, and shaken  
by the burst of cannon, now supports the roof  
of a stable. No watch-fires blaze, and no sen-  
tinel paces his weary round, within those lines  
where desolation reigns. The little hillocks  
and swelling turf on the plain around, which  
mark the resting places of almost four hundred  
brave soldiers gathered in the freshness of  
youth and vigour of strength to the congrega-  
tion of the silent, are fast diminishing in height  
as the plough sweeps over the field of sepul-  
chres. Every where destroying time is busy.  
The scene presents an image of desolation. Yet  
it has a melancholy beauty, particularly when  
viewed by the dim light of a summer moon,  
silvering wood and field, bastion and parapet,  
grave and mound, and brightening the surface  
of the lake whose waves roll and break on the  
shore with a mournful murmur.

## INSURANCE.

THE subscriber having been appointed Agent of

### NEW-ENGLAND Fire Insurance Company,

incorporated for the express purpose of insuring  
against losses or damage by fire, with a Capital of two  
hundred thousand dollars, is now ready to receive pro-  
posals for insurance, at a very low rate of premiums—  
so that people may have perfect security from that  
kind of loss which the greatest care and attention,  
cannot always prevent, and which frequently reduces,  
at once, affluent and independent families to  
poverty and distress.

Payment for all losses will be made within thirty  
days after the loss shall be ascertained and proved  
without any deduction whatever.

ASA BARTON.

Paris, Jan. 16, 1826.

### COMMISSIONERS' NOTICE.

WE the subscribers having been appointed by the  
Hon. BENJAMIN CHANDLER, Judge of Probate  
for the County of Oxford, to receive and examine  
the claims of the several creditors to the estate of  
ELIJAH GILBERT, late of Turner, in said County,  
yeoman, deceased, represented insolvent; do hereby  
give notice, that six months from the twenty-fourth  
day of January last, are allowed to said creditors to  
bring in and prove their claims; and that we shall  
attend that service at the dwelling-house of ALDEN  
BLOSSOM, Innholder, in said Turner, on the second  
Tuesdays of March, May and July, from one to five  
o'clock in the afternoon of each day.

ALDEN BLOSSOM,  
NATHAN COLE.

Turner, Feb. 4, 1826.

## NOTICE.

THE subscriber informs his friends and the public  
that he has re-commenced the

### SHOE-MAKING BUSINESS

in Paris, where he intends to do his work in a good  
and faithful manner, and handsome style, and on rea-  
sonable terms. BENJA. F. CRAWFORD.  
Paris, Feb. 9.

### HOUSE & LAND FOR SALE.

THE subscriber offers for sale the Stand which he  
now occupies—consisting of a good two-story  
DWELLING-HOUSE, well finished, and in good re-  
pair—containing four Rooms on the floor, four Cham-  
bers, and a good Cellar. A WOOD-HOUSE, BARN, and  
a two-story STORE, all finished. A good rain-  
water Cistern, and a Well of water under cover. Three  
fourths of an acre of LAND, including a Garden, &c.

Also, the West part of Lot numbered 15, in the  
6th Range of lots in Paris, containing fifty-four acres,  
well walled in, and is excellent grass and tillage  
Land.

Also, seven small Lots of LAND—containing from  
ten to twenty-one acres each—a part of which is as  
good and well wooded as any in town, the other  
is good pasture and tillage land, and is well  
fenced on the road. Said Land is a part of Lot num-  
bered 11, in the Fourth Range of Lots in Paris.

Likewise, one and a fourth acre of LAND, situat-  
ed about three fourths of a mile from the Court-House  
in Paris, on which is an excellent stream of water,  
with a good fall, which, with a very little expense,  
might be converted into one of the best situations for  
a tanner, in the County.

The above property will be sold either together or  
separately, as will best suit the purchaser, and on  
terms which cannot fail to please. For further in-  
formation, please call on the subscriber.

A plan of the above property may be seen by call-  
ing on ASA BARTON, Esq. at the Oxford Bookstore.

RUSSELL HUBBARD.

Dec. 20.

tf 77

### COLLECTOR'S NOTICE.

NOTICE is hereby given to the non-resident Pro-  
prietors and owners of the following lots of Land,  
in the town of Newry, County of Oxford, that they  
are taxed in the bills committed to me the subscriber,  
Collector of said town of Newry, for the years 1824  
and 1825, in the respective sums following, to wit:

Owner's Name	No. of Lot.	Range.	No. of Acres.	Value.	State, Town and County Tax.	State, Town and County Tax.	State, Town and County Tax.	State, Town and County Tax.
Simeon Bailey,	3	4	200	100	11	53		
Moody,	3	4	100	50	5	76		
Steph. Randall,	1	4	100	50	5	76		
1825								
Simeon Bailey,	3	4	280	100	1	70		
Moody,	3	4	100	50	0	86	1	05
Steph. Randall,	1	4	100	50	0	86	1	05

Unless said taxes and all intervening charges are  
paid to me the subscriber, on or before Saturday the  
twenty-fifth day of March next, so much of said land as  
will satisfy the same, will then be sold at Public Ven-  
ue at the School-house in the South District in said  
Newry, at one of the clock in the afternoon of said  
day.

ANDREW N. STOW,

Collector of Newry.

Newry, Feb. 7, 1826.

### COMMISSIONERS' NOTICE.

WE the subscribers having been appointed by the  
Hon. BENJAMIN CHANDLER, Judge of Probate,  
to receive and examine the claims of the creditors  
to the estate of DAVID SESSIONS, late of Andover  
Surplus, in said County, deceased, represented in-  
solvent, do hereby give notice, that six months are al-  
lowed to said creditors to bring in and prove their  
claims; and that we shall attend that service at  
Axos Hills, Esq. of Newry, on the first Tuesday of  
March, first Tuesday of May and the first Tuesday  
of July, at one of the clock, P. M.

ELI TWITCHELL, } Commissioners.  
ANOS HILLS, }  
Dated at Bethel, January 27, 1826.

### THE OBSERVER.

IS PUBLISHED EVERY THURSDAY MORNING BY  
ASA BARTON,

For the Proprietors, at two dollars per annum, payable  
semi-annually.

No paper discontinued, until all arrearages are  
paid, but at the option of the publisher.

ADVERTISEMENTS conspicuously inserted, and on  
the usual terms.

All letters, addressed to the publisher, must be  
(Post Paid.)

### AGENTS FOR THE OBSERVER.

Subscriptions for the Oxford Observer will be receiv-  
ed by the following gentlemen, and the papers for-  
warded agreeably to the directions given:—

Andover.....JAMES F. BRAGG, Esq.  
Bethel.....Mr. MOSES BARTLETT.  
Buckfield.....Capt. AARON PARSONS.  
Canton.....Hon. CORNELIUS HOLLAND.  
Columbia.....ELIJAH L. HASLIN, Esq.  
Dixfield.....Gen. HENRY FARWELL.  
Foxcroft.....JAMES S. HOLMES, Esq.  
Hartford.....EDWARD BLAKE, Esq.  
N. Hartford.....CYRUS THOMSON, Esq.  
Hebron.....Doct. JACOB TEWKSBURY.  
Jay.....Hon. JAMES STARR, Jun.  
Lancaster.....RUEL WASHBURN, Esq.  
Livermore.....SAMUEL MORRISON, Esq.  
E. Machias.....Mr. BENJAMIN F. JONES.  
Minot.....Mr. JOSHUA PARSONS.  
Richmond.....ISAAC H. CURTIS, Esq.  
Sumner.....BATHURST CAREY, Esq.  
Passabourough.....Doct. LATHROP CHASE.  
Waterbury.....Rev. SYLVANUS COLE.  
W. Waterbury.....Rev. SYLVANUS COLE.